



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

**5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAY 20 2014

Mr. William F. Clark
City of New Haven Public Schools
54 Meadow Street
New Haven, Connecticut 06519

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
New Haven Academy, New Haven Connecticut

Dear Mr. Clark:

This is in response to the Notification¹ by the City of New Haven (the City), on behalf of the City of New Haven Public Schools for approval of a proposed PCB cleanup plan at the New Haven Academy School located at 444-448 Orange Street in New Haven, Connecticut (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in window caulk, glazing, paint, in building substrates, and soils located on the Site.

The City has requested an approval under 40 CFR Part 761 to clean up and dispose of the identified PCB-contaminated wastes during building renovation. Specifically, the City is proposing the following PCB cleanup standards and activities under this project:

- Remove all window units (glass, frame, caulk, and glazing) and door frames, exterior caulked vents (vent, frame, and caulk), and expansion joint caulk from the Site, along with adjacent *porous surfaces* (i.e., first full brick). Dispose of as *PCB Bulk Product Waste* in accordance with 40 CFR § 761.62(b) at a state permitted disposal facility

¹ The notification was prepared by BL Companies on behalf of the City of New Haven Public Schools to satisfy the requirements under 40 CFR § 761.61(a) and § 761.79(h). Information was submitted dated July 1, 2013 (Request for Approval of TSCA Risk-based Clean-up of PCBs); October 11, 2013 (Revised Request for Approval of TSCA Risk-based Clean-up of PCBs); March 5, 2014 (Self-Implementing On-Site Cleanup and Disposal Plan authored by Diversified Technology Consultants, Inc.); April 25, 2014 (Response to EPA Comments); May 12, 2014 (Email 2nd Response to EPA Comments); and May 16, 2014 (Picture clarifying location of black paint). These submittals together shall be referred to as the "Notification".

- Remove all PCB-contaminated black paint from CMU walls to remain by sand-basting to a minimum depth of ¼ inch, and remove and dispose of any remaining black painted CMU as a *PCB Bulk Product Waste* in accordance with 40 CFR § 761.62(b) at a state permitted disposal facility
- Remove *porous surfaces* in contact with PCB caulk as follows, and dispose of as *PCB Bulk Product Waste* in accordance with 40 CFR § 761.62(b) at a state permitted disposal facility
 - Concrete sills in contact with PCB caulk (represented by sample CSL-3), on the northeastern elevation (1948 wing)
 - Concrete sills/foundation wall along the entire eastern face (1961 wing) to a depth of 12 inches, and the entire concrete sidewalk and ramp in contact with the PCB caulk
 - Concrete block sills (6 inches or 1 complete block), on the southwestern face (1963 wing)
- Remove bulk *PCB remediation waste* (i.e., soil) in the following locations and dispose as a less than (<) 50 ppm PCB remediation waste in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii) :
 - Area 1 (30 ft x 10 ft): to a depth of 2.5 feet below grade (fbg)
 - Area 2 (17 ft x 13 ft): to depth of 1.5 fbg
 - Area 3 (13 ft in along the building foundation to the northeast and southwest (length) and 15 ft perpendicular to the building (width)): to a depth of 1.5 fbg
 - Area 4 (15 ft x 28 ft): to a depth of 1.5 fbg
- Conduct verification sampling of *porous surfaces* (i.e., brick, CMU, and concrete) and soils to confirm that the PCB cleanup standard of less than or equal to (\leq) 1 ppm has been met

The City has determined that certain PCB-contaminated building products, which have a PCB concentration at < 50 ppm, meet the criteria for an *Excluded PCB Product* under § 761.3. Under the PCB regulations *Excluded PCB Products* are not regulated for cleanup or disposal. While these building materials are not addressed under this Approval, the City is proposing to remove the building products containing PCBs with greater than (>) 1 ppm but < 50 ppm and to dispose of them in accordance with the Connecticut Department of Energy and the Environment (CTDEEP) regulations.

With exception of the verification sampling frequency, the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*. Given the characterization sampling results and the proposed plan, EPA has determined that the proposed alternative frequency is adequate to confirm that PCB cleanup standard has been met. However, EPA is requiring that at least 1 sample be collected from each of the concrete columns.

EPA finds that the alternative sampling frequency proposed by the City for the remaining surfaces will not create an unreasonable risk to public health or the environment when conducted in accordance with the Notification and this Approval. EPA may approve the sampling under § 761.61(c).

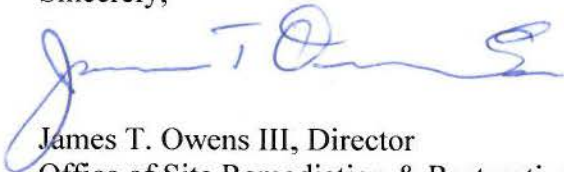
The City may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

cc Gary Trombly, CTDEEP
Guy F. LaBella, BL Companies
Christopher Koelle, DTC
Robert Lynn, New Haven Public Schools
File

Attachment 1

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
NEW HAVEN ACADEMY SCHOOL (the Site)
444-448 ORANGE STREET
NEW HAVEN, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
 - a. In the event that the City of New Haven (the City), on behalf of the City of New Haven Public Schools identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the City will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
 - b. The City may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 17.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the City shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.

6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
12. Prior to initiation of work authorized under this Approval, the City shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,

- c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

13. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
14. All visible residues PCB caulk, glazing, and paint with greater than or equal to (\geq) 50 parts per million (ppm) and associated *non-porous surfaces* (e.g., glass panes, window/door frames) and *porous surfaces* (i.e., concrete sidewalk and ramp, 1 full brick, a minimum 12 inches of concrete, or 6 inches (one block) of concrete block sills) with greater than ($>$) 1 ppm shall be removed and disposed of as *PCB bulk product waste* in accordance with 40 CFR § 761.62. Verification sampling to confirm that the less than or equal to (\leq) 1 ppm PCB cleanup standard has been met shall be conducted as follows:
 - a. *Porous surface* samples shall be collected on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - b. Bulk *PCB remediation waste* (i.e., soil) samples shall be collected on a bulk basis (i.e., mg/Kg) and PCB analytical results shall be reported on a dry weight analysis.
 - c. Verification sampling shall be conducted in accordance with 40 CFR Part 761, Subpart O except as provided below:
 - (1) Brick façade- Collect verification samples at a frequency of 1 sample every 25 linear feet (lf) for the first 75 lf of removal. If the PCB concentration is \leq 1 ppm, collect 2 samples at a frequency of 1 sample every 50 lf. If the PCB concentration continues to remain \leq 1 ppm, continue to sample the elevation at a frequency of 1 sample per 100 lf. Using this sampling strategy, a total of 45 samples will be collected from the brick.

- (2) Concrete Sill/Foundation Wall- Collect verification samples at a frequency of 1 sample per 20 lf, ensuring that a minimum of 3 samples will be collected per matrix type (i.e., door/window/vent, expansion joint, and *porous surface* type (i.e., CMU or concrete)).
 - (3) Interior concrete masonry units (CMU) and concrete column after removal of PCB paint ≥ 50 ppm (i.e., black paint) - Collect 4 verification samples from each remaining wall on the east and west side of the gym, at a frequency of approximately 1 sample per 45 sf. At least one sample shall be collected from each of the concrete columns that remain following paint removal.
 - (4) Soil Areas 2, 3, and 4- Collect verification samples at a frequency of 1 sample per 10 lf along the side wall and 1 sample per 100 sf on the bottom of each excavation area.
- c. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
15. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Non-liquid cleaning materials, PPE and similar materials resulting from decontamination may be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

16. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.

17. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

19. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by the City in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. The City shall submit a final report in both hard copy and electronic version, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
21. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1